

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS**

January 21, 1992

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Present: Carl M. Loffler, Jr., President
W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
John G. Lancaster, Commissioner
Barbara R. Thompson, Commissioner
Mary Pat Pope, Administrative Officer
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, January 14, 1992. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Mary Pat Pope, Adm. Officer (on behalf of County Administrator)

1) **CORRESPONDENCE**

The County Administrator presented the following items of correspondence for the Commissioners' review and signatures:

- **Southern Maryland Bus Transportation** - To Mr. Donald Thompson responding to his comments regarding bus transportation services for Southern Maryland and advising that his concerns are being forwarded to Tri-County Council for regional attention.
- **Alliance Meeting** - To Community Leaders inviting them to Alliance for Alcohol/Drug Abuse Prevention meeting Tuesday, February 25, Spring Ridge Middle School at 1:15 p.m.
- **Sotterley Chimney Repairs** - To J. Spence Howard verifying that funds in the amount of \$4,910 are available from the County for the chimney repair work. This represents the \$5,000 allocation less the 1.8% across-the-board reduction.
- **Disabled Veteran Property Tax Exemption** - To County Treasurer Katherine D'Esposito authorizing her to process a refund of county real property tax payments for Mr. Ronald F. Carlson, who is a disabled veteran.

Mrs. Pope explained that prior to 1985 the process could be authorized with a Resolution by the County Commissioners; however, it must now be done by an Ordinance which requires a public hearing. She stated that the County Attorney recommended that because there will be more requests for property tax exemptions, the County begin the process for Mr. Carlson and also begin the Ordinance process for dealing with future refunds. The Ordinance will establish administrative procedures for granting real property tax exemptions.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to sign and forward the letters as presented. Motion carried.

(Commissioner Bailey left meeting - 9:20 a.m.)

DEPARTMENT OF PUBLIC WORKS

1) **HOLLYWOOD SHORES SHORE EROSION CONTROL DISTRICT
NOTICE TO PROCEED**

Mr. Ichniowski presented a Notice to Proceed with Design authorizing the Department of Natural Resources to proceed with the design of the Hollywood Shores Shore Erosion Control Project. Estimated design cost is \$3,250.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Notice to Proceed as presented. Motion carried.

2) INFORMATION RELEASE - RECYCLING

Mr. Ichniowski presented an Information Release announcing that the Department of Public Works has increased recycling opportunities for the citizens of the county with the addition of recycling programs for newspapers and tires, effective January 1, 1992.

3) CHESTNUT RIDGE
ACCEPTANCE OF DEED
ROAD RESOLUTIONS

Mr. Ichniowski presented a Deed dated May 20, 1991 between Delmarva Properties, Inc. and County Commissioners of St. Mary's County accepting Gum Spring Drive into the County Highway Maintenance System.

Also presented were the following Road Resolutions:

R92-01- Designating Gum Spring Drive as a Stop Street at its intersection with Chestnut Ridge Drive.

R92-02 - Posting Gum Spring Drive at 25 miles per hour.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Deed and Road Resolutions as presented. Motion carried.

4) PUBLIC WORKS AGREEMENTS

Mr. Ichniowski presented the following Public Works Agreements for the Commissioners' review and consideration:

- Chestnut Ridge, Section 4 - Dated December 4, 1991 between Delmarva Properties, Inc. and St. Mary's County, Maryland guaranteeing completion of Chestnut Ridge Drive and Oakway Court by December 1, 1992. The Agreement is backed by a Letter of Credit with Crestar Bank in the amount of \$126,600.

- Persimmon Hills, Phase 2 - Dated September 25 between Bay Mills Construction Company, Inc. and St. Mary's County, Maryland guaranteeing completion of Seminary Road, Steeple Court, Cathedral Court, and Pastor Court by January 1, 1993. The Agreement is backed by a Letter of Credit International Fidelity Insurance Company in the amount of \$380,100.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Public Works Agreements as presented. Motion carried.

(Commissioner Bailey returned to the meeting 9:32 a.m.)

UTILITY CORRIDOR

Present: Dan Ichniowski, Director, Public Works
Al Gough, Southern Maryland Electric

At the request of the County Commissioners the referenced individuals appeared before the Board to present a summary of the Utility Corridor, formerly known as the railroad right-of-way. Mr. Ichniowski presented a handout setting forth the summary of the particulars regarding the corridor. He described the acquisition of the 28-mile right-of-way by the County from the General Services Administration in 1968 and the tri-party agreement of May 1970 among the County, State Highway Administration and SMECO. The SHA at that time acquired eight miles for the Route 235 dualization project.

In 1979 a tri-party agreement was approved which included abandoning the idea of a replacement railroad corridor in favor of an electric transmission corridor. Utility easements have been granted to Washington Gas Company and the Metropolitan Commission and for various crossings for access, egress and utilities.

Mr. Ichniowski pointed out that the St. Mary's County Comprehensive Plan indicates that a recognized railroad system is not likely to return to the area and that there is not enough population to support one. He advised that the State conducted a commuter assistance study which indicates that the demand through 2010 does not justify mass transit alternatives to St. Mary's County.

During discussion Commissioner Thompson raised concerns relative to transportation needs beyond 2010 and whether population growth would indicate a need for transit alternatives. She further questioned the accuracy of figures presented by Mr. Ichniowski relative to 70% of the people that live in the County work in the County. She stated that she did not feel that this figure adequately represented the current situation.

A copy of the handout is on file in the Commissioners' office.

ST. MARY'S TECHNOLOGY COUNCIL

Present: J. Frank Raley, St. Mary's Technology Council
Larry Schadegg, "
Joseph Mitchell, Director, Economic & Community Development
Other members of Technology Council

The referenced individuals appeared before the Commissioners to explain the efforts of the Technology Council in developing a technology base for St. Mary's County by seeking to locate a technical educational institution to the County and to request the Commissioners' support in this effort.

Mr. Schadegg and Mr. Raley explained the Council's pursuit of locating an educational institution which would provide science and engineering degree opportunities. They pointed out that the expansion of the Naval Air Warfare Center will bring science and engineering oriented people to the County. Mr. Schadegg stated that in order for St. Mary's to develop an economic high-tech environment there are three requisites: (1) strong customer base to pay for research and development; (2) creative individuals; and (3) an educational institution. He pointed out that the first two will be supported through the expansion of the NAWC and that it is the third requisite that is currently missing in the County.

Although St. Mary's has a nationally recognized liberal arts college (St. Mary's College), there is need for a highly recognized science, math, and engineering oriented school. The Council has approached the University of Maryland Engineering School and Johns Hopkins University and has gotten tentative commitment from Johns Hopkins to locate here. Mr. Schadegg pointed out that it will be necessary to combine resources to bring this about, but that it will become self-funding in time. He advised that locating Johns Hopkins here would be a major investment for the County and would help to lessen the County's dependency on a single industry.

During his presentation Mr. Schadegg advised that local officials need to provide impetus to the Governor's Office and legislators to identify this project as a top priority. He stated that a clear unified voice is needed to make this work and all players should be involved.

During discussion members of the Council (Capt. Wright, Alek Loker, Robert Gabrelcik) spoke in support of this project.

In response to an inquiry from the Commissioners Mr. Raley pointed out that the next steps to be taken are the development of costs and other data for getting this done and who will be participating in the funding.

Commissioner Thompson indicated that she approves of the concept of this project, but would prefer to have additional information and facts prior to the Commissioners giving unconditional approval.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, that the Board of County Commissioners support the Technology Council's efforts in the location of a high-tech educational facility in St. Mary's County, that this effort is a top priority for St. Mary's County, and further to direct staff to prepare correspondence to the Governor, legislators and any other appropriate agencies making them aware of this effort and seeking assistance and support. Motion carried.

FOREST CONSERVATION ACT

Present: Jon Grimm, Director, Planning and Zoning

Mr. Grimm appeared before the Commissioners to discuss the Forest Conservation Act of 1990 and its implications to St. Mary's County and the planning and zoning function. He stated that the Forest Conservation Act is a state mandated program and applies to any private or public subdivision or application for a grading or sediment control permit by any person on land areas which are 40,000 square feet or greater. In areas determined to be impractical for reforestation, there will be an assessment of \$.10 per square foot of the required planting area. Although it is state mandated no funds are being provided for the preparation or administration of local programs. St. Mary's County must develop a local forest conservation program to be submitted for review by the Department of Natural Resources by April 30, 1992 and must be implemented by December 31, 1992. All existing county ordinances, policies and procedures must be consistent with the program.

Mr. Grimm presented a list of required actions and timetables for those actions which indicates the Commissioners' adoption of the local program by June 1992.

During discussion Commissioner Loffler pointed out that this requirement will encourage developers to use rural open space because of the cost for reforestation.

In conclusion the Commissioners requested information as to the fiscal impact on the County and Commissioner Loffler suggested that Commissioner Jarboe let Maryland Association of Counties know of the County's concerns relative to state-mandated programs with no state funding provided.

EXECUTIVE SESSION

Present: Mary Pat Pope, Administrative Officer

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel (Consideration of Appointments to Boards, Committees, Commissions). Motion carried. The Session was held from 11:55 a.m. to 12:30 p.m.

CHARTER BOAT CAPTAINS

Present: Cindy Woodburn, Tourism Coordinator
Capt. Jim Gray
Capt. Bruce Schieble
Other Charter Boat Captains

The referenced individuals appeared before the Commissioners to advise that more than 20 St. Mary's County charter boat captains will be participating in the Harrisburg Outdoor Sports Show in February. A brochure has been developed for the Show listing all participating captains, fishing season and types of fish that are available in the Potomac and Patuxent Rivers and the Chesapeake Bay. There will also be an advertisement in the show's book entitled "Get Hooked - Fish the Potomac Region and catch Southern Maryland fishing at its best!"

Ms. Woodburn stated that the charter boat captains paid half of the expenses for the show and the County's tourism paid the other half. She advised that charter boat fishing brings a large amount of tourism dollars in to the County through meal and accommodation purchases. The Harrisburg Outdoor Show will provide a tremendous amount of exposure to promote the charter boat fishing industry.

Captain Schieble expressed pleasure at having so many charter boat captains participate in this effort and advised that they are looking into forming a St. Mary's County Charter Boat Captains Association.

In conclusion Captain Bob Holden invited the Commissioners on a fishing trip so they could see the interest in this industry.

**OFFICE ON AGING
TRANSPORTATION PLAN
AMERICANS WITH DISABILITIES ACT (ADA)**

Present: Gene Carter, Director, Office on Aging
Jenny Page

Mr. Carter appeared before the Commissioners to present the Transportation Plan, which supplements the existing public transportation system with paratransit service, and accompanying budget to be submitted to the Maryland Transit Authority.

Mr. Carter advised that ADA requires jurisdictions with public transportation must provide access for handicapped individuals. He distributed a handout explaining the requirements for ADA paratransit implementation which include pickup of eligible handicapped persons at locations of their choice and service area and time frame particulars. Other factors defined included eligibility, and certification process. He stated there are potential implications to St. Mary's County relative to this program. Although ADA places a tremendous burden on the County in making this paratransit requirement, there is no provision in the legislation to fund the additional burden. This program will also require additional manpower from the standpoint of drivers and clerical personnel. Mr. Carter advised that service impacts include the fact that it is unknown how many people will use this service and could potentially diminish the ability to provide service to the seniors. He reported that MTA has requested his office to submit a proposal for any additional expenditures required.

During discussion Mr. Carter indicated that St. Mary's County may have to reconsider whether to continue providing public transportation service. Another consideration may be to look at the possibility of increasing the charge for use of the transportation service. He pointed out that discontinuing the public transportation service would not eliminate the Section 18 and SSTP transportation program for the seniors.

In conclusion Mr. Carter requested the Commissioners to consider approving the Transportation Implementation Plan and take a "wait and see" attitude or to make a decision that the County does not want to be involved in a public transportation program by requesting the Public Service Commission to abandon the service.

After discussion the Commissioners agreed to take a "wait and see" attitude at this time and therefore, Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Transportation Plan as submitted. Motion carried.

Mr. Carter advised that he would continue to investigate whether funding is available from MTA for replacement vehicles.

ST. MARY'S COUNTY HEALTH DEPARTMENT

Present: Dr. William Marek, Health Officer
Tom Russell, Director, Environmental Hygiene

1) Innovative and Alternative Sewage Disposal Systems

Mr. Russell advised that \$30,000 has been made available from Chesapeake Bay clean up funds for a new type of Innovative and Alternative Sewage Disposal System. He stated that in the past I & A Agreements have been in the name of the County Commissioners; however, this Grant Agreement from Maryland Department of Environment listed him as the responsible party for St. Mary's County and therefore requested permission to do this.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Tom Russell, Director, Environmental Hygiene, to be the responsible party for the I & A Grant Agreement as requested. Motion carried.

**2) Pickett Land Clearing Debris Landfill
(Municipal Waste Compost)**

Dr. Marek and Mr. Russell presented a memorandum to the Commissioners on the referenced landfill and the application of municipal waste compost. Mr. Russell stated that a land clearing debris landfill is restricted to waste

materials generated by land clearing operations and compost from municipal waste does not meet this definition. He stated that the memorandum outlines the Health Department's public health concerns relative to the composting process of this waste. He cited questions that need to be addressed: What is the potential impact on groundwater and wells? Can leachate still be produced? If so, shouldn't a liner and leachate collection system be required?

Mr. Russell noted that the Board of Appeals approved the property as a land clearing debris landfill January 1991, and the issue of municipal waste compost was raised after that time.

The County Commissioners adopted a Resolution in July (90-10) whereby the Commissioners indicated no opposition to the land application and use of compost meeting state requirements as long as it demonstrated State of Maryland, Department of Environment approval. Subsequently on October 8, 1991, Mr. Pickett requested a clarification regarding compost and the Commissioners approved the "transportation into the county and deposit in your land clearing debris landfill of compost derived from municipal waste meeting state requirements and approval.

Dr. Marek indicated that the Health Department's major concern of this issue is the fact that municipal waste has not been defined, that they are not sure exactly what it is, not sure what the process is to get it to compost. He stated more information is needed. Dr. Marek requested the Commissioners to temporarily withhold approval of the municipal waste compost application until this information is gathered. Mr. Russell advised that the Health Department believes the issue should be remanded back to the Board of Appeals for their recommendation.

Miss Clark reviewed the Board of Appeals' action and pointed out that they had never addressed the issue of municipal waste as compost. She stated she believed it was a violation of the Board of Appeals conditional use application and stated that it should go back to the Board of Appeals for that specific request. She advised that the Board of Appeals had approve earthenware materials only, which is strictly land clearing debris only.

During discussion Commissioner Bailey indicated that Mr. Pickett should be given an opportunity to come before the Commissioners to respond to these concerns.

Commissioner Loffler stated it was his opinion that the Commissioners had not given approval for municipal waste and perhaps the County should establish a definition of municipal solid waste. He agreed that he felt that the matter should go back to the Board of Appeals.

Commissioner Thompson also stated that she did not feel that it was the Commissioners' intent to approve municipal waste and that it was not legal because the Commissioners cannot supersede the Board of Appeals.

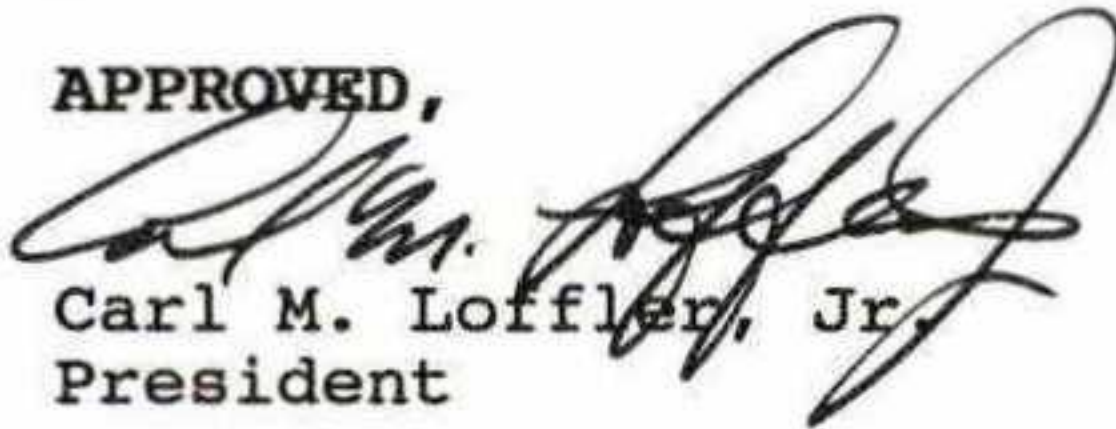
County Attorney Joe Densford entered the meeting at this time and pointed out that the Commissioners' October 8 letter was not written in context with the Board of Appeals' actions, but in the context of Resolution 90-10 which allowed the deposit of compost.

The Commissioners agreed to defer a decision on this matter until a meeting of all appropriate parties was held. The meeting was scheduled for February 4.

ADJOURNMENT

The meeting adjourned at 3:50 p.m.

APPROVED,


Carl M. Loffler, Jr.
President